

§ 221.195 Pre-filing tariff approval for fare reductions.

(a) Carriers obtaining Special Tariff Permission under this section are exempt from section 403 (b) and (c) of the Act to the extent necessary to charge passenger fares approved by the Board under these procedures.

(1) Applications shall be filed with the Chief, Tariffs Division, Bureau of Domestic Aviation, and be entitled "Special Tariff Permission Application No. —Pre-filing Approval Requested." The title page of the application shall include the name and telephone number of the contact person for the carrier.

(2) Applications filed with the Board before 12 noon on any business day will be acted on the same day. Applications filed with the Board after 12 noon will be acted on by the end of the next business day. The Chief, Tariffs Division, will inform the carrier by telephone as soon as a decision is made on the application.

(3) The new fare may be put into effect by the carrier at 12:01 a.m. on the day following approval of the application.

(4) Within 7 days after approval of any application under this section, the carrier shall file a tariff reflecting the changed fare. The tariff shall show the date on which the fare became effective. A succession of fare changes in accordance with this section may be reflected in a single tariff filing by showing the superseded fares and their effective dates in footnotes.

(b) Applications shall be in easily readable and understandable format.

(1) The application shall describe: (i) the fare for which approval is sought, (ii) the tariff to be amended, (iii) the current fare to be changed, if any, and (iv) the current page and revision number of the affected tariff.

(2) Extensive or complicated exhibits included with the application shall be summarized in a statement explaining the intent of the proposal.

(c) The procedures in this section apply to interstate and overseas passenger fares. They shall be used only for proposing either (1) a decrease in an existing fare, or (2) a fare that is within the downward zone set for interstate and overseas passenger fares in subpart

C of 14 CFR part 399 and does not increase an existing fare. For these purposes an increase or decrease in an existing fare means a change in the fare amount without changing any of the conditions.

(d) The procedures in this section do not apply to proposals to match other fares already filed on statutory notice set forth in § 221.60. Applications proposing fares that raise significant questions or lawfulness, as set forth in § 399.35 of this chapter, will be denied.

(e) An application under this section may be filed on a weekend or holiday if it proposes to match a fare approved under this section on the preceding business day. Such an application shall be filed by Western Union TWX (7108229066 CABAIR WSH). Along with the information set forth in paragraph (b)(1) of this section, it shall identify the fare to be matched, by carrier, fare class, and amount. If the application is filed before noon, as indicated on the TWX, the carrier may consider it as having been granted on that day and so put the new fare into effect at 12:01 a.m. the next day. The application will be acted on by the end of the first business day after it is filed. Any disapproval will be prospective only.

[ER-1205, 45 FR 87009, Dec. 31, 1980]

Subpart Q—Waiver of Tariff Regulations

§ 221.200 Applications for waiver of tariff regulations.

Applications for waiver or modification of any of the requirements of this part 221 or for modification of section 403 with respect to the filing and posting of tariffs shall be made by the issuing carrier or issuing agent.

§ 221.201 Form of application for waivers.

Applications for waivers shall be in the form of a letter addressed to the Civil Aeronautics Board, Tariffs Section, Washington, DC 20428, and shall:

(a) Specify (by section and paragraph) the particular regulation which the applicant desires the Board to waive.

(b) Show in detail how the proposed provisions will be published in the tariff publication or other document under authority of such waiver if granted (submitting exhibits of the proposed publication where necessary to clearly show this information).

(c) Set forth all facts and circumstances on which the applicant relies as warranting the Board's granting the authority requested. No tariff publication or other documents shall be filed pursuant to such application prior to the Board's granting the authority requested.

Subpart R—Giving and Revoking Concurrences to Carriers

§ 221.210 Method of giving concurrence.

(a) *Prescribed form of concurrence.* A concurrence prepared in accordance with the form set forth in § 221.242 shall be used by a carrier to give authority to another carrier to issue and file with the Board tariff publications which contain joint rates, fares, or charges, including provisions governing such rates, fares, or charges, applying to, from, or via points served by the carrier giving the concurrence. A concurrence shall not be used as authority to publish joint rates, fares, or charges in which the carrier to whom the concurrence is given does not participate, and it shall not be used as authority to publish local rates, fares, or charges.

(b) *Number of copies.* Each concurrence shall be prepared in triplicate. The original of each concurrence shall be filed with the Board, the duplicate thereof shall be given to the carrier in whose favor the concurrence is issued, and the third copy shall be retained by the carrier who issued the concurrence.

(c) *Conflicting authority to be avoided.* Care should be taken to avoid giving authority to two or more carriers which, if used, would result in conflicting or duplicate tariff provisions.

§ 221.211 Method of revoking concurrence.

(a) *Prescribed form of revocation notice.* A concurrence may be revoked by filing with the Board in the manner specified in this section a Notice of Revoca-

tion of Concurrence prepared in accordance with the form set forth in § 221.243.

(b) *Sixty days' notice required.* Such Notice of Revocation of Concurrence shall be filed on not less than sixty days' notice to the Board. A Notice of Revocation of Concurrence will be deemed to be filed only upon its actual receipt by the Board, and the period of notice shall commence to run only from such actual receipt.

(c) *Number of copies.* Each Notice of Revocation of Concurrence shall be prepared in triplicate. The original thereof shall be filed with the Board and, at the same time that the original is transmitted to the Board, the duplicate thereof shall be sent to the carrier to whom the concurrence was given. The third copy shall be retained by the carrier issuing such notice.

(d) *Amendment of tariffs when concurrence revoked.* When a concurrence is revoked, a corresponding amendment of the tariff or tariffs affected shall be made by the issuing carrier of such tariffs on not less than statutory notice to become effective not later than the effective date stated in the Notice of Revocation of Concurrence. In the event of failure to so amend the tariff or tariffs, the provisions therein shall remain applicable until lawfully canceled.

(Approved by the Office of Management and Budget under control number 3024-0038)

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978; ER-1271, 46 FR 63218, Dec. 31, 1981]

§ 221.212 Method of withdrawing portion of authority conferred by concurrence.

If a carrier desires to issue a concurrence conferring less authority than a previous concurrence given to the same carrier, the new concurrence shall not direct the cancellation of such previous concurrence. In such circumstances, such previous concurrence shall be revoked by issuing and filing a Notice of Revocation of Concurrence in the form and manner prescribed by § 221.211. Such revocation notice shall include reference to the new concurrence, "(set